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Worthy, Benjamin and Heide, M. (2019) Secrecy and leadership: the case of Theresa May's Brexit negotiations. *Public Integrity* 21 (6), pp. 582-594. ISSN 1099-9922.

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Secrecy and Leadership: The Case of Theresa May's Brexit Negotiations

Abstract

Openness is essential for democratic leadership, representing a moral commitment and an instrument to increase trust and legitimacy. However, secrecy can still aid a leader, providing a means of protecting power, guarding substantive policies or preserving reputation.

This paper examines how Theresa May used secrecy around the UK-EU Brexit negotiations to protect her power, policy and reputation. While this appeared initially successful, over time the counter-pressure of openness have reversed any benefits. By the beginning of 2019 it was clear that May's secrecy had limited her power, undermined her policy and ultimately damaged her reputation. The analysis ends by comparing drawing comparisons with Donald Trump, who has similarly sought to hide his actions, with counter-productive results.

The case study illustrates how secrecy can create political space and bolster reputations in the short term. However, in increasingly transparent governance systems such as the US and UK, secrets are much harder to keep long-term. Secret-keeping encourages leaking and greater scrutiny, exposes policies and damages reputations. Context is key, and secrecy is more difficult for high profile controversial issues, such as Brexit, and particularly damaging if exposed when it is tied to the reputation of the leader themselves, as it was with May.

Introduction

In contemporary democracies, openness and honesty are regarded as essential pillars of ethical leadership. In part it is a moral expectation, as transparency is a core democratic value. Secrecy is typically associated with “stealth and furtiveness, lying and denial” (Bok, 1986, p. 8).

Instrumentally, transparency is a means for a leader to maintain trust, legitimacy and support, as citizens “invest...in their leaders’ integrity and capacity for truth-telling” (Kane & Patapan, 2012, p. 50; Curtin & Meijer, 2006; de Fine Licht, 2014). Openness is also preventative, deterring leaders from acting unethically or abuse their power (Helms, 2014).

In an age of transparency, openness is a virtue and a safety net for a leader, while secrecy is increasingly both a “cardinal sin” and a route, if exposed, to “political crisis” (Kane & Patapan, 2012, p. 50).

Greater openness, however, can make good democratic political leadership more difficult. The exposure of government affairs can demystify government, exposing the messiness of democratic processes and promoting cynicism or disillusionment (Halachmi & Greiling, 2013). It can make for posturing, “gotcha”-type exposes or de-contextualized and oversimplified discussions of complex issues (Heclo, 1999). Openness can also be used as means of controlling information or obfuscating, while reinforcing certain narratives about state and society (Moran, 2012; Luscombe & Walby, 2017; Birchall, 2011).

Contemporary leaders are caught between growing demands, and stronger legal requirements, for transparency, and the pressure to achieve tangible outcomes in complex hostile political environments. The pressure is heightened by a changing political ecosystem that is more chaotic

and uncertain (Helms, 2014). In such an environment, leaders must cultivate a kind of “virtuous hypocrisy”, where their commitment to openness is tempered by a “necessary caution” and secrecy in different contexts (Kane & Patapan, 2012, p. 59).

Leadership and Secrecy

Despite growing pressure towards openness, leaders still have powerful incentives for concealment and probably prefer secrecy over openness (Berliner, 2014). They often vacillate between pushing openness reforms as a means to bestow political capital upon themselves and falling back on secrecy instruments when it suits them (Birchall, 2018; Worthy, 2017). A leader’s commitment to transparency normally decreases while in office, with concealment becoming a more attractive option as opposition builds and political honeymoons come to an end (Worthy, 2017).

As a strategy, secrecy can be used to conceal personal or political failure and even crimes (Schlesinger, 1987; Aftergood, 2009). Numerous US presidents have “misled” by “omission or commission” and through secrecy, concealment or deception for good and ill (Dallek, 2010, p. 10). Leaders have misled and obfuscated over seemingly minor issues, as did Clinton over his golf prowess, or even over major policies shifts and policy, as Lincoln did over emancipation (Pfiffner, 2004).

This article sets out three ways motivations for secrecy: concealment can serve a power, reputation or a substantive function. However, each incentive carries pitfalls and risks, which can undo both the secrecy and the advantages it brings.

Power Function

Secrecy enhances a leaders' room for maneuver in the face of strong opposition, or political polarization. Secrecy can allow a leader to plan, predict and even forecast away from the glare of enemies, or allow them the flexibility to compromise or change away from the public gaze (Schlesinger, 1987). In this sense, secrecy becomes a form of political maneuvering, driven by prudence, precaution and the need to control the narrative (Horn, 2011.). Secrecy can help a leader "implement their interests with fewer restraints" (Kreuder-Sonnen, 2017, p. 2-3).

It can also have the opposite effect and can provoke leaks from within or greater demands for transparency from without (Aldrich & Moran, 2018). Since secrecy is a "spectacle for public consumption", such speculation alone can affect governments' legitimacy (Bratich, 2013; Fenster, 2014). The act of keeping secrets itself can be counter-productive. The so-called "Streisand effect" means, as Jansen and Martin (2015) put it, that "attempts to suppress information had the unintended consequence of stimulating greater demand" (p. 657). Further, secrecy consumes time and political energy as "censorship...commonly requires active maintenance" (Jansen & Martin, 2015, p. 667). Finally, cover-up strategies can backfire, raising suspicion and opposition, limiting the very room a leader seeks.

Substantial Function

Secrecy strategies are can be used for substantive purposes, to protect and support certain policies and decisions. Confidentiality is recognized as legitimate in shielding certain deliberations and negotiations (Chambers, 2004; Bok, 1986). Secrecy can be vital in protecting early or delicate discussions, especially around intractable problems or contentious

issues (Curtin, 2014). Too much openness might lead to rigid posturing that can undermine deal-making (Stasavage, 2005; Chambers, 2004; Cain, 2016). The need for such protection is given legal backing by specific instruments such as executive privilege, official secrecy legislation and constitutional conventions, such as collective responsibility. Many FOI laws, for example, specifically exclude the formulation of policy or international discussions.

However, a balance needs to be struck, especially where a policy carries clear importance. Closed-door meetings raise suspicion of undemocratic deals, and there is a growing democratic case for making important negotiations as open as possible (Prat, 2006; Chambers, 2004).

Reputational Function

Finally, secrecy and transparency strategies carry a reputational dimension. Secrecy can be favored by leaders who seek to minimize blame or conceal personal or political mistakes and indiscretions. It can also be a question of personal style and ingrained habit. Leaders from Gordon Brown to Angela Merkel have been accused of ingrained secretive modes of working, which they carried to high office.

Any secrecy strategy can risk as well as protect a reputation. Simply avoiding media scrutiny or refusing to give a plausible explanation can drive a suspicion of “undemocratic tendencies” (Kane & Patapan 2012, p. 51). The exposure of secrets can trigger “indignation or resignation” among those watching, neither of which can help a leader (Bauhr & Grimes, 2014). If larger secrets or cover-ups are exposed, the consequences can be hugely damaging. Leaders from Anthony Eden over Suez in 1957 to Richard Nixon over Watergate in 1974 –

both election winners and popular leaders – had their careers ended when their cover-up, collusion and poorly kept secrets were made public.

[Table 1 here]

Theresa May and the Case of Brexit

Prime Minister May's appeal was tied to her ability to successfully negotiate Brexit (Allen, 2018). May made it clear that her approach would involve secrecy. She promised strict confidentiality and said, "there will be 'no running commentary' on the negotiations" (Green, 2016). Over the next two and a half years this commitment to confidentiality, and the policy itself, underwent a series of shifts and U-turns, culminating in May's compromise draft deal being rejected by the House of Commons in a historic defeat in January 2019.

May's commitment to secrecy seems all the more remarkable in the face of decades of institutional pressure in the UK towards openness. Prime ministers from John Major in the 1990s onwards have pushed various openness policies, from Major's non-legal Code of Access in 1994 and de-classification initiatives, to Tony Blair's FOI Act of 2005 and Cameron's championing of Beneficial Ownership (Worthy, 2017). Taken together, successive leaders have created a powerful ecology of openness in which keeping secrets is far more difficult (Kreimer, 2018).

Their championing of greater transparency did not prevent them facing charges of secrecy or suffering reputational damage. Major's scandal and leak ridden government reached new lows of public popularity, while Blair's liking for secretive "sofa" government, especially over

Iraq, and David Cameron's controversy over his personal tax affairs both damaged their reputations (Worthy, 2017). Marsh (2018) argues that Brexit itself was driven by the "politics of truth", arguing that "politicians are reluctant to and communicate to citizens the complexity of the problems with which they are faced, and acknowledge that they don't have 'ready-made' solutions" (Marsh, 2018, p. 80). Relying instead on the traditional notion that "government knows best", successive prime ministers bred distrust and anti-elite feeling (Marsh, 2018, p. 83).

Secrecy and Transparency as a Power Function

Theresa May had a reputation for strict information control and a secretive working style. As Home Secretary between 2010 and 2016, she had a "preference for working with a close team of advisers [nicknamed the Chiefs], often not bothering to share information with Number 10 or other ministers" (Parker & Vina, 2016). She avoided publicity and scrutiny when problems threatened, causing David Cameron to nickname her "the submarine" (Shipman, 2017). Secrecy was also bound up in May's divided way of seeing politics as allies and enemies, where information was a key weapon to be hoarded in a partisan battle. May "survived as home secretary for six years partly because she held a tight grip over information flows" (Green, 2016). Twice in 2011 and 2016, blame avoidance and information control saved her career (Casciani, 2011; Travis, 2016).

In the UK, prime ministerial control of the government agenda, the flow of information and the network of Cabinet committees can facilitate such an approach, though it is fraught with risk (Blick & Jones, 2016). May's habits carried over into her premiership in 2016. Decisions continued to be made through a parallel system, with small groups of close advisors

controlling access to May, and threatening opponents (Shipman, 2017). The most important decisions of her premiership, from the pursuing of a “hard Brexit” in October 2016 to the triggering of article 50 in March 2017 and snap election of April 2017, were made in secret without consultation. May’s presidential style further exacerbated her remoteness. She conducted few interviews and only engaged occasionally in set piece, presidential style speeches (Shipman, 2017). Even Buckingham Palace complained at being kept in the dark about May’s plans (Worthy, 2017a). May’s secrecy was designed to give her room to maneuver and reconcile and hold together a deeply divided party and country, polarized over the referendum result and what to do next.

Although May’s strategy of secretiveness was made more difficult after the failure of her snap election victory in 2017, her habits continued throughout 2017 and 2018. Her information control stretched from major to minor issues, from a refusal to release government documents to the opposition to a reluctance give interviews. In July 2018 MPs from her own party continued to complain of May’s “bunker mentality” and habit of “disregarding input from those outside her inner circle” (Cooper & Dickson, 2018).

May’s secrecy had counter-productive results, creating an almost continual series of leaks from a series of sources, including other EU countries, officials and, perhaps most damagingly, her own Cabinet, who were deeply divided over what course to take (Pozen, 2013). Increasingly frantic attempts to stop them often led to further leaks, with details of leak inquiries themselves leaked (Worthy, 2017a). It also triggered a wave of scrutiny and pressure from the legislature (see below).

The leaked information hampered the room for maneuver May sought. There was embarrassment in early 2018 at the leaking of the government's own internal assessments showing that all Brexit scenarios would make the UK worse off. In late 2018, May's final draft Brexit agreement was also leaked before being released, as were details of her plan to persuade her own MPs of it. Instead of giving her space and flexibility, her secrecy and leaks often furthered divisions in her own party and the country.

Secrecy as a Substantive Function

The government initially sought hold to May's strict confidentiality principle, arguing that revealing its negotiating position too early would weaken their leverage. May sought to use the royal prerogative power, a vestige of Monarchical power that creates a "constitutional exceptionalism" for negotiations. This "cloaking of executive power" is only "semi-impervious to norms of legality" (Poole, 2010, pp. 154-155). In 2016 the House of Commons appeared to recognize the government's right to confidentiality, voting in support of a motion that said, "there should be no disclosure of material that could be reasonably judged to damage the UK in any negotiations to depart from the European Union" (Green, 2017). The government committed to being "as open as is possible... always subject to the overriding point that we cannot pre-empt the negotiation" (Davis, 2016). The Minister for Exiting the EU argued that "even were I to...keep it all entirely secret, I would fail. It would not be possible" (Davis, 2016).

However, institutional friction from above and below pulled apart both the argument and legal protections. From above, the EU "weaponized" its own transparency. The EU Chief Negotiator committed to "negotiate in a transparent and open manner" and "to tell the

truth...to our citizens about what Brexit means” (European Commission, 2017). In early May 2017 the EU published its draft negotiating guidance and documents (Ilot, 2017).

This served a number of purposes. It was “a negotiating strategy calculated to increase its bargaining power” that was also driven by a “recognition that much of this material would leak anyway” (Ilot, 2017). It meant the EU could “control the public narrative around Brexit” and “strengthen its hand by reducing room for manoeuvre...from within, tying the EU 27 to agreed positions” (Ilot, 2017). Perhaps most importantly, this transparency served to limit the very room for maneuver that May’s secrecy was supposed to create. It pushed the UK towards the EU’s public timetable and procedures, leaving any “bespoke options” or flexibility severely curtailed (Green, 2016). The guidelines may have also added pressure on May to call a snap election (Shipman, 2017).

In parallel, May’s secretive approach came under pressure domestically. Her plan for a “closed”, prerogative based Brexit began to unravel in November 2016 in the UK courts. The High Court ruled that the government ceded its prerogative powers and the legislature, not the executive, must have the ultimate say (Elliott, 2016). The UK the government also committed to providing the same openness to UK MPs as the EU Parliament-though this carried a twist, as it allowed only “closed oversight” through heavily protected reading rooms (Abazi, 2016, p. 12).

This handed power to the third institution, the UK parliament, where a majority of members favored remaining in the EU. Over the next two years Parliament used all the tools at its disposal to force greater openness around Brexit. MPs and committees sought to fill the “the information vacuum” gap created by “the government’s reticence” (Wallace, 2018).

Parliament was greatly empowered after the 2017 general election, when May lost her majority making votes harder to win and enhancing the power of the opposition.

Between 2016 and 2018 Select committees launched more than 108 inquiries into various aspects of Brexit, as well as creating a new, unusually large, DEXEU committee to oversee the whole process. The “publicity spotlight” at committee hearings revealed ministerial contradictions or confusion (White & Rutter, 2017). In one day in November 2017, for example, six committees simultaneously questioned six different officials and Ministers about Brexit. Behind the scene, pressure from Conservative back bench MPs forced May to be more open and publish the first Brexit White paper in 2017 and another in 2018.

One key symbolic battle concerned the government’s own studies of the impact of Brexit. The studies existence was first mentioned in the summer of 2017. After FOIs were refused, in November 2017 Labour used an obscure piece of parliamentary procedure, a Humble Address to Her Majesty, to force the government into releasing them (Defty, 2017). Though the government then denied their existence, they were reluctantly released to the DEXEU committee. Labour used a Humble Address again to force the government publish legal advice on the controversial Northern Ireland backstop in December 2018. The government sought to head off pressure by publishing a summary, but this led to the Attorney General being held in contempt of Parliament and the full advice being published the next day (Defty, 2018).

[Table 2 here]

Despite this continual pressure, May strived to keep the process as closed as possible. Her government refused a more open, cross-party approach in 2016 and again in 2017, only conceding to a form of cross-party talks in January 2019. In March 2018, it also passed draft legislation that would keep secret alleged details of “dark money” donations to the DUP (Cusick, 2017). In April 2018 the House of Lords EU committee formally complained of government providing “severely delayed or non-existent answers” or “providing a minimal response” to questions. May herself made three appearances before the Liaison committee between 2016 and 2018, where she had, as one observer put it “mastered the art of saying nothing” (Balls, 2017). This was not helped by parliaments sometimes “scattergun approach” to scrutiny, and political divisions between leave and remain MPs (White & Rutter, 2017, p. 4).

Nevertheless, by early 2019, May’s attempt to keep the Brexit process secret had failed. As table 2 shows, key pieces of information that the government clearly wished to keep secret, from impact assessments to legal advice, were forced out of them or leaked. Alongside this, parliamentary pressure through questions, statements and government scrutiny meant, as the Chair of the Exiting the EU committee put it, “we learn something new about the potential impact of Brexit every day” (White & Rutter, 2017, p. 6).

Secrecy as Reputation

In 2016 Theresa May offered “governing competence” and diligence, tied closely to her ability to successfully negotiate Brexit-with secrecy a necessary part of it (Quinn, 2018). Yet the tying together of leadership, Brexit and secrecy carried risks. During the general election campaign of 2017, May seemed the epitome of secrets herself, unable to respond to simple

questions or offer any information on a topic. Guardian sketch writer Crace (2017) christened her the “Maybot”, a robotic comparison that “encapsulated her awkward, disengaged manner” and inability to answer questions or open up.

Brexit was the center of her claim to leadership and competence. Table 3 shows that the fall in public confidence in May’s ability to successfully complete Brexit.

[Table 3 here]

Polling of the “truth telling” of “leading Conservative politicians” fell under May’s leadership to 19% in on March 2017 and 17% in October 17, compared to a slightly better 24% in July 2015 and 22% October 2015 under David Cameron. May’s secrecy also obscured wider public understanding. By July 2018, only 16% of voters felt government policy on Brexit was “very” or “fairly” clear while 69% found it “fairly” or “completely” unclear in the same period (Smith, 2018).

For May personally, continual leaking from cabinet meetings, especially after June 2017, left her looking weak and unable to control her government. In October 2017 details of a dinner between Theresa May and Michele Barnier leaked, where May was described as “pleading for her political life” and “anxious”, “tormented”, “despondent and discouraged” (Boffey, 2017). By 2019 May’s attempts at secrecy, tied to Brexit, had unraveled public confidence in the policy itself as well as her leadership.

Secrecy and Donald Trump

May's approach can be compared with her near contemporary in the White House. Like May, Donald Trump carried long-standing habits of secrecy to the White House, reinforced by his divisive view of politics (Singer, 2016). His secrecy, again like May's, was reputational. However, Trump has been both ruthlessly secretive and oddly open (Wolff, 2018). Trump appeared to need secrecy more than most leaders, as a remarkable number of damaging controversies dogged him before reaching the White House, from his own tax returns to the possibility of collusion with Russia (Peterson, 2017).

While his predecessor portrayed himself as the transparency president, Trump publicly signaled his adherence to secrecy. He refused to release his tax returns and was keen to shield certain areas of his life from scrutiny, particularly his complex business interests (Wolff, 2018). How his preference for secrecy translates into policy is yet to be fully seen: so far, the Trump administration has withdrawn from various international openness commitments and there are claims allegations of widespread avoidance of records laws by many in the White House itself, including his own family. Trump's attitude appears to have triggered an administration wide slow-down on FOI requests, and wider attempt to re-write bureaucratic rules in favor of secrecy (Ellington, 2018; Birchall, 2018). Untruth and obfuscation are the defining feature of the Trump administration: Trump himself has also lied consistently about himself, his policies and his actions and his (self-described) "truthful hyperbole", represents a dangerous disconnect from reality and denial of basic facts (Klaas, 2017; Singer, 2016). Trump has also issued a barrage of threats against leakers and used allegations of secrecy, concealment and conspiracy as a rhetorical weapon against Hillary Clinton and his own intelligence agencies (Ellington, 2018).

Yet Trump is also transparent in a very particular way. He promised to be “morally transparent” and his use of social media has offered unique insights into his views and thoughts in real time (Fenster, 2017, p. 174). Trump has publicly encouraged leakers, praised Wikileaks and (possibly accidentally) used his own powers to de-classify information to the Russian Foreign Minister (Ellington, 2018).

Like May’s divided government, Trump’s faction-ridden and polarized government led to a constant stream of leaks. While May’s secrecy was focused on policy, Trump’s focused on his past behavior. The leaks have covered everything from Trump’s personal habits to faction fighting and policy. Most damaging of all has been a continual drip of revelations about possible collusion and obstruction with Russia. Information flowed from allies, factions and opponents, as well as the intelligence agencies. In January 2019 claims were made that Trump himself was investigated by the FBI as being a potential foreign agent. Wolff (2018) claims that, ironically, Trump is the source of many leaks in his night time calls to his friends.

In one of the strongest Streisand effects in modern times, Trump’s secrecy triggered a continual and growing counter pressure for scrutiny. Again, like May, time has made keeping secrets harder and openness pressure more effective. Trump faced a series of secret investigations from his own intelligence agencies since 2016, and these have now been joined by a series of Congressional inquiries and the special counsel investigation by Robert Mueller. This has knocked the administration of course, and very clearly distracted Trump himself (Wolff, 2018). It has also played a role in Trump’s falling approval ratings, with 62% of the public seeing Trump as not being honest about Russia in December 2018 (Murray, 2018).

Conclusion

May was warned in late 2016 that “secrecy is not a strategy” (Worthy, 2017a). She tied her reputation to Brexit and Brexit to secrecy. Secrecy can, in certain contexts, be a necessary, if not fruitful, strategy for stabilizing a leader’s power and reputation (see also Fenster, 2014; Aldrich & Moran, 2018). There may be a positive spiral for some leadership secrecy, whereby confidentially allows effective policy making and, protects reputation and flexibility. In the short-term, May’s approach temporarily preserved her room for maneuver, and her power over a divided party and a difficult context. It also, perhaps, protected her reputation for competence for some time.

However, in the longer term there were simply too many actors, too much pressure and Brexit too contentious within a polarized system. Both May’s and Trump’s attempts at secrecy must be understood against the background of an extensive transparency ecosystem.

Secrecy triggered a negative spiral as greater counter-pressure for transparency, exposing May’s policy and undermining her own reputation. By 2019 May appeared to have lost control of the policy, the narrative and with it her own reputation.

May’s Premiership and Trump’s Presidency shows how the context of secrets matters. Both were seeking to hide important issues of huge public and media interest and do so over a long period of time in a high polarized and partisan environment. To seek to keep such issues secret amid such a sophisticated transparency ecosystem, and divide, leak-prone governments, appeared highly unlikely. The risk, and public interest in opening up, was all the more probable given both leaders tied the secret to their reputation, so exposure had consequences for their credibility. In the end, secrecy failed to deliver power, protection or tangible results.

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Table 1: Incentives for secrecy and related risks

	Strengths	Risks
Power	Enhances a leader's control	Can lead to leaks or counter-availing power
Substantial	Guards a process or decision	Can attract pressure for openness and institutional attention
Reputation	Protects image and confidence	If exposed can damage to leadership and deprive voters of information

Table 2: Timeline of Secrecy and Leaks

<ul style="list-style-type: none"> • December 2016: House of Commons supports motion to keep parts of negotiations confidential • November 2017: Release of the '58' impact assessments, following FOIs and an opposition motion • January 2018: DEXEU analysis of the economic impact of Brexit released after a leak • December 2018: Attorney General found in contempt of Parliament over refusal to release full legal advice (then released).

Table 3: WhatUKthinks 2019

	Nov 2016	March 2017	March 2018	July 2018
Very well	3 %	4 %	2 %	1 %
Fairly well	22 %	28 %	23 %	15 %
Fairly badly	24 %	18 %	30 %	30 %
Very badly	22 %	21 %	28 %	43 %
Don't know	29 %	28 %	16 %	11 %